



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

JRE

Docket No: 117-99

15 November 1999

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 28 October 1999. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you served in the Marine Corps from 1 April 1969 to 20 March 1970, when you were discharged under honorable conditions by reason of hardship, after being found physically qualified for discharge. You underwent a physical examination on 27 December 1973 in connection with an unsuccessful attempt to reenlist in the Marine Corps. Once again, you were found physically qualified for enlistment, and no significant defects were disclosed by your or noted by the examining physician. On 28 January 1999, the Department of Veterans Affairs denied your request for service connection for multiple conditions which were neither incurred in nor aggravated by your brief period of service in the Marine Corps.

In the absence of evidence which demonstrates that you were unfit for duty at the time of your voluntary discharge from the Marine Corps, the Board was unable to recommend any corrective action in your case. It did not consider your request for removal of the time lost you incurred during your enlistment, as that issue was resolved against you when the Board denied your original application on 3 April 1997, and you have not submitted any new

material evidence which is probative of your contentions or error and injustice. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director